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THE THIRD TERM: REASONS FOR IT.

MANY estimable citizens have assumed that a third Presidential term, if held by the same person, would under any circumstances be opposed to the solid and permanent interests of our country. Upon what ground this amiable prejudice can be vindicated, the majority of those adopting it do not inquire. They entertain it as an article of political faith—as a vague but absorbing sentiment. They know that, during our entire national existence, the same person has never been more than twice elected President of the United States ; and many regard the example of Washington in declining a third election as an impressive warning that two terms should be the practical limit—not being aware, perhaps, that he so declined upon purely personal grounds, and not from motives of public policy.

If asked to state reasons for this faith, some would doubtless answer that a President desiring a renomination could corruptly and wickedly employ the power and influence of his great office to attain it, and finally perpetuate his rule by methods hostile to the Constitution and destructive of our liberties ; and this is, indeed, the only substantial objection to the enjoyment of consecutive Presidential terms by the same person ; for all must admit that the wide and deep knowledge of public men, of domestic affairs, and of foreign relations, which should be possessed by our Chief Magistrate, can be best acquired by practical experience and actual administration. Apart, then, from the objection named, the more experienced the incumbent—assuming him to be otherwise qualified—the better fitted is he to discharge the duties of that office ; for I do not quite agree to what, many years since, was uttered by that great soldier, General Scott, who, during a conversation in which I had referred to his then not improbable nomination for the Presidency, said there were many thousand men in our country fitted to be its President ; “ for,” said he, “ the principal qualification is that

he should be able to say 'No' good-naturedly"; and when I, expressing surprise at this, asked for an explanation, he added: "No man can successfully and faithfully perform his duties as President who fails to maintain in union and strength the party which elected him, for upon that he should depend for support. He must, of course," continued he, "appoint thousands of that party to office, and he will be urged to appoint many, very many, who are unworthy, and, if he can not say 'No' as to those good-naturedly and without offense, he will make enemies, and thus weaken, distract, and perhaps divide his party."

Returning to the subject in hand, it is doubtless true that so long as the tenure of tens of thousands of office-holders depends, as it now substantially does, upon the President's will and continuance in office, so long will he be able, by their influence and aid, and the power of his place, to hold rivals for renomination at a disadvantage, and we shall doubtless look in vain for an incumbent so pure and unselfish as not to employ more or less of influence to secure his own reelection or that of some favorite. And yet danger from this is quite remote and improbable, for it requires but a feeble intelligence to perceive that the objection invoked against the enjoyment of a third consecutive term by the same person applies with equal force to a second, through the ordeal of which the nation has many times passed unscathed. The people seem, indeed, to have heretofore exercised commendable discrimination and freedom of will upon this subject, by rejecting—as in the case of the two Adamses, Van Buren, and Polk—those they did not want for a second term, and reëlecting those they preferred—as Washington, Jefferson, Madison, Monroe, Jackson, and others. The ablest, wisest, and most patriotic of our Presidents have usually been reëlected, and the failure of others to secure this has not been from too great scrupulousness in using the power of their office for that purpose.

The truth is, our institutions are not likely to be endangered by frequent elections of the same person to the Presidential office, and especially not after he shall have been deprived of it and of its influence for the period of three or four years; and those, who, under such circumstances, object to a second or third term, fail to restrict the objection to cases where its reason applies.

It is, indeed, founded solely upon the presumption that the President will use the power of his office to secure his own renomination in opposition to all other candidates; and, therefore, should

another be selected, his merits and the need of him must be such as to overwhelm and break down the official influence exerted against him.

Apply these remarks to the case now before the American people. It will not be pretended that the influence of this Administration has been exercised to secure the reelection of General Grant, and perhaps it may be fairly suggested that its tendency has not been to much increase the chances of reelecting any Republican candidate. Certainly office-holders have not been instructed or encouraged to labor for his renomination, and it may not be unreasonable to assume that the bulk of them would prefer that of some other person. If, then, he shall be reelected, it will be by the free choice of the people of the United States.

It is due to the subject to pursue this line of thought a little further. The renomination and election of a prior incumbent, after a term has intervened since his retirement, must be deemed strong if not decisive evidence of his great merit and fitness ; for such a renomination would be not only without official influence, but presumptively against it. Under these adverse circumstances he would be elected only because the people believed they had need of him in the great place he had before filled ; and, until a constitutional provision shall prohibit this freedom of choice, no solid objection can be urged against it.

An extension of the Presidential term beyond four years and the restriction to one term by the same person have sometimes been recommended. I do not believe such extension would be wise until a responsible Cabinet can be organized under an amended Constitution, making the continuance of its members in office depend, as in England, upon a change in the sentiment of the people, as expressed through their representatives in Congress ; and this perhaps is neither probable nor desirable. At present, the Cabinet is selected by, and in substance retained during, the will of the President. They are in a sense his clerks—not responsible to the people but to him only. His policy is their policy, which the will of the people, however expressed, can not change. During four years he has great, and, within constitutional limits, uncontrolled power, from which there is no appeal ; and, to my mind, this period of irresponsibility to the people is sufficiently long. If they reelect him, they thereby express approval of his policy, and their purpose to continue it during another term. And should this reelection occur after he has been out of office during four years, an opportunity has been afforded to

compare his acts and policy with those of his successor, and to pronounce upon their respective merits. Thus an able, patriotic, and experienced ex-President may be recalled to redress the errors and repair the weaknesses of a preceding Administration, without the reproach of using the power of his office to secure a reelection.

It would perhaps be prudent so to amend the Constitution that a reelection of the same person should only be permitted after an intervening term had been held by another. In such case, reelections would be rare, and only where national emergencies might demand the services of former Presidents who had been tried and found equal to the impending crisis. While the objection to a second or third term would thus be deprived of all force, the nation would preserve the right to services which in times of great danger might prove invaluable.

And yet contingencies may arise demanding repeated consecutive elections of the same person to the Presidency. Our late civil war presented one of the most terrible of these, and it was met by the reelection of Abraham Lincoln, who would doubtless have been a third time elected had he survived his second term, to find his country still in need of his services. If, at the close of his first term, a constitutional provision had existed declaring him ineligible for a second, the nation might have been placed in great peril, for it is by no means certain that any other Republican could have been elected against the Democratic nominee, who stood upon a platform which denounced the war as a failure, and substantially demanded peace upon any terms—with or without the preservation of the Union as a condition. It is probably fortunate for our people, and perhaps has been the means of preserving them as a nation, that the framers of our Constitution did not, as a few of them desired, limit the election of the same person as President to a single term, but permitted his perpetual reeligibility.

The duration of his term, the manner of his election, and whether or not he should thereafter be eligible for reelection, were subjects discussed at considerable length and with much warmth in the Convention which met at Philadelphia in 1787 to frame our Constitution. On these questions there was great diversity of opinion. Some insisted that he should be elected by the national Legislature for the term of seven years, and be thereafter ineligible; others, that he should be ineligible until a certain time after the expiration of his term; and some, that he should be appointed during good behavior. To the latter tenure objection was made that it would

substantially establish an elective monarchy, and that, if elected for seven years and reëligible without any interval of disqualification, a like result might be attained by using the power of the Presidential office to secure repeated reëlections.

A majority of the Convention were at first in favor of his election by the national Legislature for the term of seven years, to be thereafter for ever ineligible. Serious objections were made to this by those who sought to vest the power of election in the people; and, finally, as a compromise, and but a short time before the Convention adjourned, the provision substantially as it now stands was adopted—prescribing the mode of election and the length of term, without any restriction as to reëlection.

It is probable that no serious objection would have been made in the Convention to reëligibility after the expiration of a certain number of years. The provision to elect for the term of four years by electors chosen by the people, instead of electing directly by the national Legislature for seven years, seems, however, to have substantially disposed of the objection to eligibility—perhaps because it was assumed that while Presidential influence upon the Legislature might be effective to secure repeated reëlections, it would be found difficult, if not impossible, to employ it to any dangerous extent upon the people and their electors; and the result was the adoption of the clause permitting repeated consecutive reëlections as it now stands. Jefferson, who was in France while the Convention was in session, thus writes of this provision. Alluding to the fact that the general voice of the country had legitimated an objection by him previously mentioned upon another point, he adds:

“It has not, however, authorized me to consider as a real defect what I thought and still think one, the perpetual reëligibility of the President. But three States out of eleven having declared against this, we must suppose we are wrong according to the fundamental law of every society, the *lex majoris partis*, to which we are bound to submit. And should the majority change their opinion, and become sensible that this trait in their Constitution is wrong, I would wish it to remain uncorrected as long as we can avail ourselves of the services of our great leader, whose talents and whose weight of character I consider as peculiarly necessary to get the Government so under way as that it may afterward be carried on by subordinate characters.”

It was this conviction of the peculiar fitness of Washington for the place he had filled during eight years which led many, opposed

to the reëlection of John Adams, to unite in resolving that Washington should be requested to consent to be reëlected for a third term, and in 1799 Gouverneur Morris was commissioned to present to him a formal request to that effect ; but the letter containing it found Washington upon his death-bed, and consequently it was never delivered.

An objection to reëlecting the same person for a third term is valuable only because of the reason on which it is founded ; and this consists wholly in the assumption that by his influence as President he may perpetuate his rule through reëlections. Deprive the person to be reëlected of this influence, and the force of the objection utterly disappears. General Grant has been deprived of it since the 4th of March, 1877. If he is renominated and elected, it must be without the aid of this influence, and, if the assumption I have mentioned is well founded, against it. The reason of the objection as to him then wholly fails ; and the objector, if he desires to be thought sincere, must place his objection to the election of General Grant for a third term upon a ground not suggested by the founders of our Government, nor, so far as I can learn, by any intelligent person.

On this subject the people can be trusted to exercise their will, subject to a rational discretion ; for, after a President, however strong in their affections and confidence he may have been, shall have descended to his place as a private citizen, they are not likely to renominate him against that assumed Presidential influence which Jefferson and others have denounced, unless he is possessed of qualities and character somewhat like those which led the fathers of the Constitution to send their appeal to Washington in his dying hours.

Thus far in our history no practical mischief has resulted from the provision permitting perpetual reëlections of the same person, nor am I aware that any President, toward the close of his first or second term—with the exception, perhaps, of Andrew Jackson—has possessed sufficient power to secure the reëlection of himself or of any favorite ; and its exercise by him to elect Martin Van Buren resulted in the defeat and overthrow of the Democratic party, at the close of his first term. And, so long as the nation is divided into two great political parties—as I trust it will ever be—each possessing a powerful press quite capable of exposing the errors, shortcomings, and misdoings of the other, efforts by a President to secure his own renomination or that of some favorite, through the

influence of his office, would, if successful, probably be made so odious to the people during the canvass as to defeat either. An element which much intensifies such conflicts is that selfish but sometimes useful enemy of civil-service reform—the desire for office. For, so long as the party out of office contains thousands seeking to enter therein, so long will these make the most active and energetic efforts to discover, expose, and denounce the corrupt conduct and unscrupulous schemes of the party in power. Civil-service reform, if for practical purposes it means anything, means this—that those appointed to office should be selected solely for fitness, regardless of their political opinions, and be, as a rule, permanently retained and promoted for that and that only. When such a tenure is thoroughly considered—especially with reference to the character and intelligence of our people, and their hostility to a favored, because perpetuated class of officials—it may well be doubted whether, upon the defeat of a political party, it would be wise or practicable to adopt, as in England, the usage of retiring but fifteen or twenty great officers of state, instead of thousands of office-holders, as is done here.

Political conflicts in this country have hitherto been conducted, and probably ever will be, by practical men, and not by mere theorists who would fight battles without injuring the enemy, and gain possession of the Government without taking the offices. Such persons—usually amiable, well-meaning, and sentimentally patriotic—cling to one idea with great tenacity, and, while doubting the fitness of others, are rarely themselves wholly indifferent to the charms of office. Believing as I do in the efficacy of civil-service reform within practicable limits, which would include, in my judgment, many thousand appointees, I venture nevertheless to inquire how much of active energy, in a political party struggling to oust a powerful adversary, would remain, were it proclaimed that success would still leave the vanquished in possession of most of the offices of the country? Generally, indeed, the victors believe that these may be as safely filled from their own ranks as from those of the enemy, and they may perhaps be excused for entertaining this opinion. Certain it is that, so long as political contests are conducted from patriotic motives aided by the selfish consideration to which I have referred, parties will not so languish in strength, or become so apathetic, as to permit our liberties to be endangered by repeated elections of the same President through the aid of his subordinates; and surely not by frequent reflections of ex-Presidents utterly

destitute of official patronage. Nothing, indeed, is more sure to awaken the indignation of the American people than the discovery that the influence of a President is being employed to promote his own nomination, or that of some favorite to whom, perhaps, his support has been pledged. A machine nomination, as it is vulgarly called, is one made by an organized party, and, with very rare exceptions, should be cheerfully submitted to ; while one attempted through the management and influence of office-holders in the pay of the Government, for the benefit of one who can appoint and dismiss them at pleasure, is a perversion and prostitution of their service and duty, always regarded with disfavor by honest and patriotic men. Hence there is but little real danger to be apprehended from such management, for it can neither be concealed nor justified, and usually reacts to plague the inventor.

Among those who assisted in framing our Constitution, but few were apprehensive that a President could by such means perpetuate his rule against the will of the people ; nor did Washington at the close of his second term decline a reelection because he believed his enjoyment of a third would establish a dangerous or unwholesome precedent, or would be incompatible with the highest and best interests of his country, but solely for personal reasons clearly stated as follows in his " Farewell Address to the People of the United States," delivered near the close of his second term in September, 1796 :

" The acceptance of and continuance hitherto in office, to which your suffrages have twice called me, have been a uniform sacrifice of inclination to the opinion of duty, and to a deference to what appeared to be your desire. I constantly hoped that it would have been much earlier in my power, consistently with motives which I was not at liberty to disregard, to return to that retirement from which I had been reluctantly drawn. The strength of my inclination to do this previous to the last election had even led to the preparation of an address to declare it to you ; but mature reflection on the then perplexed and critical posture of our affairs with foreign nations and the unanimous advice of persons entitled to my confidence impelled me to abandon the idea. I rejoice that the state of your concerns, external as well as internal, no longer renders the pursuit of inclination incompatible with the sentiment of duty or propriety ; and I am persuaded, whatever partiality may be retained for my services, that, in the present circumstances of our country, you will not disapprove my determination to retire."

He in substance told the American people that he had held the

office during both terms against his will, and to the sacrifice of his personal comfort, and that he was induced to accept a second term only because he could not, in view of critical foreign relations and the unanimous advice of friends in whom he had confidence, refuse; but that, as such considerations could not be urged upon him for the acceptance of a third term, he trusted the people would not disapprove of his determination to retire.

It may, I think, be assumed that some members of the House of Representatives who in 1875 voted for the resolution "that, in the opinion of this House, the precedent established by Washington and other Presidents of the United States, in retiring from the Presidential office after their second term, has become by universal concurrence a part of our republican system of government, and that any departure from this time-honored custom would be unwise, unpatriotic, and fraught with peril to our free institutions," had read this address, and knew the motives which induced him to decline a third term. They should have been aware, also, that the entire value of a precedent consists in the reasons on which it is founded. That which Washington established was founded solely upon his need of retirement and repose, and upon the fact that the state of the country did not then demand of him a further personal sacrifice; and not in any sense upon the notion that his acceptance of a third term "would be unwise, unpatriotic, and fraught with peril to our free institutions." That is a view which modern patriotism has discovered long since Washington wrote his celebrated "Farewell Address."

What, then, is the lesson taught by this precedent? Clearly this, and this only—that a President, anxious for retirement and repose, should not, unless his country needs his services, sacrifice his inclinations, his comfort, and happiness by accepting either a second or third term. The House, when it passed the resolution I have mentioned, and in its excitement attributed to the precedent quoted a paternity so patriotic, and a purpose so full of far-reaching wisdom, had in view, no doubt, the reelection for a third consecutive term of a President who then had possession of a second; for its members could not have been equal to the double mistake of utterly misapprehending the reason of the precedent, and then of misapplying it to the case not then before them of reelection for a third term of an ex-President of whom it may be justly said that he does not desire and will not seek a reelection, and would take the office only upon the conditions prescribed by Washington.

That unanimity of the people in electing Washington can not be expected in behalf of General Grant. Washington led the armies of an entire people to secure their independence and nationality, while General Grant led only the armies of the loyal North to save and perpetuate what Washington had transmitted. Washington did more than any other man to create a nation of four millions of people—General Grant more than any other to preserve a nation of forty millions. Many millions of these, and indeed most of the Democratic party, abused and hated him for this great service, and strove to defeat his election and reëlection, while there were no rebels or rebel sympathizers to unite in defeating General Washington. To him the whole people were grateful, while only the Republican party testified gratitude to General Grant. Many in the South have lately learned to regard him with more favor, and as better fitted than any other Northern man to bring peace, harmony, and prosperity, to all portions of our common country.

External dangers do not, it is true, threaten us, and, in view of our isolation and immense and growing power, are not likely to arise. Internal difficulties do exist, however, to be composed only by great wisdom and firmness, when exercised by a President having the confidence if not the good will of the people of all sections of the country—acquired, not by attempted conciliation of political adversaries, who are apt to mistake this for weakness or fear, but by steady, inflexible, and just rule, constitutionally enforced, when necessary, by the united strength of a powerful party.

It would not be difficult to find several Republican statesmen quite fit under ordinary circumstances to perform all the duties devolved by the Constitution upon the President of the United States. The present demand goes far beyond this, however, for, if conflicting interests throughout the country are to be reconciled, a President must be chosen trusted by the North to enforce practical obedience to constitutional provisions designed to secure the fruits of the war, and by citizens of the South believed to be resolved upon so doing in a kind and just spirit toward them, and by both North and South known to have a fixed and unalterable purpose so to preserve our national currency and credit that both may compass the earth without dishonor to our Government or people. Sectional differences can not be permanently quieted by a soothing process, the effect of which ends when adverse interests rise to the surface and demand a hearing. These must be disposed of by a firm and steady hand, or they will appear to vex the nation for a generation to come.

Who is the man best fitted to accomplish these results is the problem soon to be solved by the Republican party—always national in its purposes, and now seeking a candidate capable when elected of securing great national ends. It will no doubt choose wisely, for it has within its ranks more than one to whom it may without reproach commit the great trust of the Presidency—a trust it must administer for many years, for its tenure of governing this nation reposes not merely upon the wisdom and justice of its rule, but upon the folly and wickedness of its adversaries, not likely to abate so long as ambitious rival and reckless leaders continue to distract and demoralize the Democratic party.

There are doubtless worthy Republicans who, in view of the practice hitherto followed of electing the same person but for two terms, would regard his election for a third with a kind of superstitious dread—as presaging some national calamity. I shall not sneer at or ridicule such a superstition, for I have known few men of much capacity or strength of character who did not entertain and nurse one of some kind. A third-term superstition—even where the objection to a third term is utterly inapplicable—is as solid and rational as that which influences some men to expect bad luck from seeing the new moon over the left shoulder, or to refuse starting upon a new enterprise or long journey on a Friday. No better reason can be given for the prejudice against electing a person for a third term, where four years have intervened since his enjoyment of the second, than might be advanced to sustain either of the two innocent but sometimes inconvenient superstitions to which I have referred. If, however, there be a few Republicans incurably afflicted with a third-term superstition, they will be quite sure of such consolation as can be derived from the support and sympathy of the Democratic party, the expression of which will be violent in proportion to the strength with the people of the person denounced as an unfit candidate; for I presume no one is foolish enough to believe the leaders of that party would object to a weak Republican nominee. It will be well to bear this in mind in estimating the sincerity and value of an objection to a third term proceeding from Democratic sources, especially when uttered by those who were more or less in sympathy with the rebellion, and have heretofore opposed the election of General Grant for a first and second term with all the bitterness with which they now assail his nomination for a third. Their violent opposition but demonstrates their fear of him as an opponent, and their consciousness that the American

people can appreciate the meaning and value of Washington's example in declining a third term quite as well as those who were not unwilling to see the nation he did so much to create, dissevered and destroyed. I do not believe that this objection will be a factor of the least importance in the coming Presidential election. A little reflection should satisfy the most prejudiced that, just in proportion to the influence which can be exerted by a President and his office-holders in favor of his own nomination, or that of some favorite, may be the measure to which the will of the people can possibly be weakened, interrupted, or thwarted in their choice of a candidate. No one, I believe, pretends that any member of the present Administration is exerting his influence, through subordinates or otherwise, in favor of the renomination of General Grant. If, on the contrary, this influence is being used to prevent it, it is the very mischief feared and denounced by Jefferson and others, and affords an argument in favor of and not against the selection of General Grant as the candidate of the people. Perhaps the nation may without his aid, and notwithstanding the influence of a policy which has not hitherto inspired thoughtful men with much confidence, experience changes indicating a healthier political tone, and promising greater harmony of feeling between North and South ; but this should hardly be expected without the adoption of a more comprehensive and positive rule, by an incoming Administration possessing such wisdom, energy, and courage, as not to disappoint both of the great political parties of the country.

E. W. STOUGHTON.